



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

April 15, 2004

MEMORANDUM

SUBJECT: FY 2005 - 2007 Pesticides Program Cooperative Agreement Guidance

FROM: Rick Colbert, Director /s/
Agriculture Division [2225A]
Office of Compliance

William R. Diamond, Director /s/
Field and External Affairs [7506C]
Office of Pesticide Programs

TO: Regional Pesticide Supervisors

As you know, OECA's Office of Compliance (OC) and the OPPTS Office of Pesticide Programs (OPP) made a commitment to develop and issue joint guidance for the Pesticide Cooperative Agreement Program beginning with the FY 2002 - 2003 Guidance. We are pleased to provide you with this joint Guidance for FY 2005 - 2007. Please share this with our state and tribal co-regulators in your Region.

Regions and state, territorial and tribal applicants should use this guidance in negotiating cooperative agreements for FY 2005 - 2007. As in the past, cooperative agreements should address the national priorities which are identified in this guidance. Please note that the appendices contain supplemental information to be used in developing cooperative agreements, including general compliance monitoring guidance and reporting information. We have included here the WPS Agricultural Inspection Guidance although it is still in the comment period. We expect this supplementary guidance to be issued shortly.

OECA requires that grant work plans contain inspection projections, and that inspection and enforcement accomplishments be provided as core program measures. EPA form 5700-33H [Appendix 3d] may be used for reporting output projections and accomplishments in the enforcement program. Regions are responsible for the timely input of this data into the FIFRA and TSCA Tracking System (FTTS). We continue to be very interested in achieving whole

program reporting of inspection and enforcement outputs. Where this is still an issue, Regions should discuss the matter with the appropriate state or tribal officials and be prepared for a discussion at the next pesticide enforcement supervisors meeting in June.

Regions are reminded to negotiate an appropriate number of Tier I WPS inspections as a part of each grant work plan. This guidance should be very useful in that effort. Regions are also to use the Pesticide Worker Protection Standard Inspection and Enforcement Accomplishment Report [Appendix 3e] to report Worker Protection Standard Inspection activities, number of enforcement actions, number of civil actions, and so forth. As with previous years, send these reports manually to Jack Neylan, Chief, Agriculture Branch. Regions should also use the FIFRA Worker Protection Standard Use Inspection - Case Review form [Appendix 3c] for collecting a baseline set of information from every case file they review as a part of their oversight responsibilities. This information should be submitted to Gerald Stubbs, Chief, Western Branch, Toxics and Pesticides Enforcement Division. Data on WPS inspections and enforcement activities, collected from the FY 2003 and 2004 reporting cycles will be analyzed to determine where we should make improvements to the WPS compliance and enforcement program in the future.

As in the past, proposed funding allocations for the FY 2005 pesticide enforcement cooperative agreements will be provided under separate cover.

We appreciate your efforts in reviewing and commenting upon the draft guidance, and cooperation in using this guidance and working with your states and tribes to manage cooperative agreements. We will provide a response to the major comments separately. We did receive one comment calling for a greater integration of the pesticide program and pesticide enforcement portions of the guidance. While the suggestion was well thought out and has a great deal of merit, we did not think we had the time to properly consider and implement the proposal. We intend to do this over time which may result in a reformatted guidance in the future.

If you have any questions regarding the attached guidance, please contact Jack Neylan, Chief, Agriculture Branch/OECA, at 202-564-5033 or Kennan Garvey, Chief, Government and International Services Branch/OPP, at 703-305-7106.

Attachments

cc:

Jack Neylan
Kate Perry
Ann Pontius
Kennan Garvey
Arty Williams
Kevin Keaney

Regional Pesticide Project Officers